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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,854	01/17/2000	Randy L. Knust	13169	8936

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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/02/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

66

Office Action Summary

Application No.

09/483,854

Applicant(s)

KNUST ET AL.

Examiner

Steven Ashburn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 18, 2003 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 8, 9 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schubert, U.S. Patent 6,313,871 B1 (Nov. 6, 2001) in view of Walsh, U.S. Patent 5,726,706 (Mar. 10, 1998) and Helms et al., U.S. Patent 6,344,874 B1 (Feb. 5, 2002).

Schubert discloses a system for monitoring chips on a gaming table wherein video imagers (i.e. cameras) are positioned within close proximity to the table to improve the imagers' view. *See fig. 1; col. 1:32-48*. The reference teaches placing the cameras beneath a raised platform or, alternatively, within the raised rail around the perimeter of the table. *See id.* Furthermore, the monitoring system is linked through a standard computer network to allow a remote observer located at a terminal to selectively display the video images from any one of a plurality of gaming tables. *See fig. 9; col. 7:20-38*.

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In regards to the claims 1 and 17: *Schubert* teaches the following features:

- a. Central computer (50). *See fig. 1, 9.*
- b. Video multiplexer (44) coupled to a central computer (50). *See id.*
- c. Gaming table (16) associated with the video multiplexer (44). *See id.*
- d. Plurality of video imagers (27) on the gaming table (16) wherein the video imagers are coupled to the video multiplexer and each of the video imagers is directed to a predetermined wagering location on the table. *See fig. 1, 9; col. 4:15-19.*
- e. Chip recognition system in the central computer to determine the value of the wagers in each of the wagering locations. *See col. 1:44-2:4.*
- f. Platform on the table above the predetermined wagering locations wherein each of the video imagers is located below the platform. *See fig. 1; col. 4:25-27.* More specifically, *Walsh* describes mounting the video imagers within a raised rail or ridge on the perimeter of the table. *See id.* Implicitly, this raised rail includes an upper surface constituting a platform wherein the internal imagers are below the platform and above the wagering locations.
- g. Arcuate wall extending between the platform and the table wherein the video imagers are positioned behind the arcuate wall. More specifically, *Schubert* describes a gaming table having a typical “arcuate” shape wherein video cameras are installed within a raised rail or ridge that may be disposed around the perimeter of the table. *See fig. 1; col. 4:25-27.* Notably, *Schubert* also describes placing imagers behind a curved, transparent wall. *See col. 4:56-5:8.*

Thus, *Schubert* teaches all the features of the claim except the following:

- a. Wall defining apertures therethrough wherein the video imagers are directed through the apertures.

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- b. Light below the platform and directed to each of the wagering locations, wherein the light provides illumination projects from the arcuate wall from below the platform laterally toward the gaming location.

Regardless of the deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Walsh* and *Helms*.

Walsh discloses a lighting security system in which lights and cameras are recessed within a curved fixture for illuminating and observing activity on a gaming table. *See fig. 1; col. 1:39-61*. The fixture is adaptable to the shape of a gaming table to provide a functional and decorative lighting assembly allowing unobtrusive observation of gaming patrons and thereby promote a more congenial, but secure gaming environment. *See id.* In particular regards to the claims, *Walsh* describes the following features:

- a. Arcuate mounting structure defining apertures therethrough wherein the video imagers are directed through the apertures. *See fig. 1, 4, 5*.
- b. Lights directed to wagering locations wherein the light projects from the arcuate mount. *See id.*
- c. The lamps moveable relative to the fixture so that they may be directed at locations. *See col. 3:57-4:6*.

Thus, it is known to mount video imagers and lights within arcuate structures having apertures therethrough providing unobtrusive surveillance and lighting of gaming tables.

Generally, it is notoriously well known to illuminate subjects targeted by cameras to improve the image's brightness and contrast, and thereby capture a better image. For example, photographic and video cameras commonly include a light source to directly illuminate their target. Thus, it is would be within the ordinary knowledge of an artisan to illuminate an subject by directing a light source at the subject to improve the image captured by a camera.

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Helms teaches that one difficulty in using video cameras in locations with overhead lighting is that the lights create undesirable shadows that result in unsatisfactory image pickup. *See col. 1:13-19*. This is especially a problem when using CCD cameras because they are limited in their ability to differentiate between different light intensities. *See col. 1:61-2:6*. As a result of the CCD camera's limited ability to handle contrasts, images that may appear to be in shadow to a human eye, may appear virtually black to a CCD. *See id.* The most common solution to this problem is provide an additional light source at or near the camera to illuminate the subject. This floods the subject with light, thereby minimizing the impact of overhead or poor lighting and reduces the contrast range of the lighting to permit satisfactory imaging. *See id.*

In view of *Walsh* and *Helms*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the game table tracking system taught by *Schubert*, wherein cameras are positioned within an arcuate rail, beneath a raised platform around the perimeter of the table, to add the features of (i) apertures through the arcuate wall wherein the video imagers are directed through the apertures and (ii) lights below the platform and directed to each of the wagering locations, wherein the light provides illumination projects from the arcuate wall from below the platform laterally toward the gaming location. As suggested by *Walsh*, placing cameras within the wall behind apertures would allow unobtrusive observation and thereby promote a more congenial, but secure gaming environment. *See col. 1:39-61*. Furthermore, as taught by *Helms*, provide an additional light source at or near the camera to illuminate the subject floods the subject with light, thereby minimizing the impact of overhead or poor lighting and reduces the contrast range of the lighting to permit satisfactory imaging. *See col. 1:61-2:6*.

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In regards to claim 4: *Walsh* additionally teaches mounting lights within recesses of a mounting structure.

In regards to claim 5: *Schubert* additionally teaches a trigger coupled to a multiplexer to initiate operation of the system. *See fig. 9; col. 6:38-51.*

In regards to claim 8: The tracking system described by the combination of *Schubert* and *Walsh* teaches all the features of the claimed subject matter except a data input means for inputting alphanumeric data manually into the central computer. Regardless of the deficiency, the feature was known in the art at the time of the invention and would have been obvious to an artisan of ordinary skill.

Standard computer networks are notoriously well known to provide alphanumeric input devices allowing users to manually enter data into a central computer (e.g. keyboards). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tracking system described by the combination of *Schubert* and *Walsh*, wherein remote observers selectively monitor gaming table video via a central computer, to add a alpha-numeric input device to allow users a convenient and well-understood means for observers to selectively control a central computer to display gaming table video.

In regards to claim 9: *Schubert* additionally teaches means for determining which of the wagering locations is active. *See col. 2:5-39, 4:6-19.*

In regards to claim 18, *Schubert* additionally teaches a table defining a substantially flat side and an arcuate side, wherein the table further defines a dealer location along the substantially flat side and a plurality of gamer locations along the arcuate side. *See fig. 1.*

In regards to claim 19, *Schubert* additionally teaches having each of the video imagers directed from a point adjacent to the gamer locations generally in the direction of the dealer location. *See fig. 1; col. 4:25-27.*

In regards to claim 20, the wager tracking system suggested by the combination of *Schubert* with *Walsh* and *Helms* does not explicitly describe illuminating a stack of wagering chips including the bottom chip. Regardless, in view of the prior art, this feature would have been obvious to an artisan. More specifically, *Schubert* teaches a wager tracking system having predetermined wagering locations adapted to support a stack of wagering chips including a bottom chip wherein . *See fig. 1(18).* *Helms* teaches providing an additional light source at or near the camera to illuminate the subject to floods it with light, thereby minimizing the impact of overhead or poor lighting and reduces the contrast range of the lighting to permit satisfactory imaging. *See col. 1:61-2:6.* Thus, when the prior art is taken as a whole at a time prior to the invention, the wager tracking system suggested by the combination of *Schubert* with *Walsh* and *Helms*, wherein lights illuminate locations to be capture wagers with a camera, suggests illuminating a stack of wagering chips including the bottom chip. As taught by *Helms*, providing an additional light source at or near the camera to illuminate the subject to floods it with light, thereby minimizing the impact of overhead or poor lighting and reduces the contrast range of the lighting to permit satisfactory imaging. *See col. 1:61-2:6.*

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schubert* in view of *Walsh and Helms*, as applied to claim 1 above, in further view of *Mothwurf*, U.S. Patent 5,919,090 (Jul. 6, 1999) (hereinafter “*Mothwurf*”).

The gaming table tracking system described by the combination of *Schubert* with *Walsh* teaches all the features of the claimed subject matter except uniquely identifying a gambler to the tracking system using a magnetic card stripe reader. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan.

Mothwurf discloses an analogous system for tracking wagering data at a gaming table. In particular, the reference describes identifying each gambler at a betting position using an electronically readable identity card and read unit at each position in order to track when and where each gambler was located. *See col. 7:28-65*. Notably, *Mothwurf* does not describe using a magnetic card stripe reader for identifying the player. Nonetheless, several types of electronically readable identity card are notoriously well known in the art including integrated circuit cards, magnetic stripe cards, and optically coded cards. Each type would function equivalently to uniquely identify a gambler at a betting position to the tracking system.

In view of *Mothwurf*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tracking system taught by the combination of *Schubert* with *Walsh* to add the feature of uniquely identifying a gambler to the tracking system using a magnetic card stripe reader to track when and where each gambler was located and thereby yielded more specific tracking data which may be used to the enhance the operator's security or business data.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-9 and 17-20 have been considered but are moot in view of the new grounds of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.
April 18, 2003



MARK SAGER
PRIMARY EXAMINER